

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

HAROLD ATENCIO,

Plaintiff,

v.

1:23-cv-00331-JMR-GJF

SAM BREGMAN, in his official capacity
as the District Attorney of the
Second Judicial District,

Defendant.

STIPULATED JUDGMENT

The parties have stipulated to dismissing this matter. Doc. 43. Based on the parties' agreement, it is HEREBY ORDERED that:

1. Judgment is entered in favor of plaintiff Harold Atencio and against defendant Sam Bregman, in his official capacity as Second Judicial District Attorney for the State of New Mexico;
2. Defendant Bregman is permanently enjoined from enforcing NMSA 1978, Section 32A-4-33d because the parties agree that the reasoning in *Peck v. McCann*, 43 F. 4th 1116 (10th Cir. 2022) is applicable here.
3. Plaintiff is awarded attorney's fees and costs in the amount agreed to by the parties.

This matter is hereby dismissed with prejudice.


JENNIFER M. ROZZONI
United States Magistrate Judge
Presiding by Consent

Approved By:

Approved via electronic mail on 10/17/2023

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